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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/813,090	03/21/2001	Takuji Uneyama	0033-0697P	1387

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EXAMINER

PAN, DANIEL H

ART UNIT PAPER NUMBER

2183

DATE MAILED: 09/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/813,090

Applicant(s)

UNEYAMA ET AL.

Examiner

Daniel Pan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5,7,9 and 10 is/are rejected.
- 7) ☒ Claim(s) 3,4,6 and 8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 03/21/01,05/18/01.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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1. Claims 1-10 are presented for examination.
2. Claims 1,2 are rejected under 35 U.S.C. 102(a) and (b) as being anticipated by Thacker (5,267,235) .
3. No change has been made to the claims.
4. Claims 5, 9, 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsuboi et al. (5,140,582) in view of Yamasaki et al. (5,539,916).
5. No change has been made to the claims.
6. The rejections are maintained and incorporated by reference the last Office action on 02/09/05 .
7. The response filed by applicant on 07/11/05 has been fully considered but is not persuasive.
8. In the remarks, applicant argued that :
 - a) applicant claims recites a pulse control circuit receiving one data transfer request pulse signal as said first pulse from said transfer control circuit in the proceeding stage, and Thacker taught arbitration circuit 24 received signal from input buffer (the transfer control circuit of the present stage), not the transfer control circuit in the preceding stage ;
 - b) applicant had argued the feature of the detection of the number of data based on output packet information set to the data packet;
 - c) no motivation to modify Tsumoi to operate self-synchronously;

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d) The proposed combination would change the principle operation and render the system inoperative.

9. As to a) above, as to the claim, the pulse control circuit "receiving one data transfer request pulse signal" (Exr's comment : not the first pulse) as the first pulse from the transfer control in the preceding stage. Accordingly, the "data transfer request pulse signal" (not the first pulse) is received by the pulse control circuit, therefore, whether the transfer control circuit is of the present stage or not is irrelevant.

10. As to b) above, examiner had replied in a previous final action, page 3, lines 10-13, on 08/04/04 that Tsuboi taught the successive packet frames were dividing by a time counter based on the counting pulse 0 and 1 in col.23, lines 40-68, col.24, lines 1-5. In this cited portion, particularly, lines 56-63, Tsuboi taught clearly that the packet information block adjacent to the packet header forms a unit of transfer (packet frame) together with continuing information 0 and 1. Therefore, the packet information is set to the data packet as one unit of transfer. The citation itself is self-explanatory, and the examiner does not see any plausible reason why the packet information would not set to the data packet. The citation was for applicant to read. Applicant was given an opportunity to respond after the final action, but failed to address Tsuboi's teaching set forth in col.23, lines 40-68, col.24, lines 1-5, which had already been cited to applicant by examiner, and therefore, a final action this time is proper.

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11. As to c) above, no specific language of the "self-synchronous" in the preamble has been reflected into the claim body, therefore, it is not given a patentable weight. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

12. As to d), applicant failed to explain why he thinks that the proposed combination would change the principle operation and render the system inoperative. However, the examiner holds that the proposed combination could provide Tsuboi the control ability to accept the data input packet at a predetermined type of transfer access signal such as the generated single pulse or multivariate pulses, and it could be readily achieved by predefining the pulse signal of Yamasaki into Tsuboi with modified control parameters, such as the signal width, and signal type, so that the pulse signal of Yamasaki could be recognized by Tsuboi in order to achieve the enhanced transfer control ability, and in doing so, would enhance the principle of operation, and would improve the system operation.

13. Claims 3,4 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. None of the prior art of record teaches the

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further and combined features of the detailed functional connections of the first logic , second logic, storage , gate and the transfer circuits as claimed.

14. Claims 6-8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. None of the prior art of record teaches further features of the copying instruction in the instruction field.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dan Pan whose telephone number is 703 305 9696, or the new number 571 272 4172. The examiner can normally be reached on M-F from 8:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chan, can be reached on 703 305 9712, or the new number 571 272 4162. The fax phone number for the organization where this application or proceeding is assigned is 703 306 5404.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

21 Century Strategic Plan

DANIEL H. PAN
PRIMARY EXAMINER
2009

